

Notice of Allowability

Application No.

10/025,357

Examiner

Dennis Rosario

Applicant(s)

CAHILL ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AF 7/31/2006.
2. ☒ The allowed claim(s) is/are 2-17, 19, 25-28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/19/01</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


DANIEL MIRIAM
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Luke Walker, Registration No. 30,700 on August 10, 2006.

The application has been amended as follows:

Claim 3, lines 19 and 20: delete "a) the set of all composite digital image regions having said aspect ratio L:H;"

Claim 3, line 21: delete "b)" and insert --a)--.

Claim 3, line 24: delete "c)" and insert --b)--.

Claim 28, lines 14-16: delete "wherein the cropping criterion specifies that the cropped digital image is the composite digital image region that is largest in area of the set of all composite digital image regions having said aspect ratio;" and insert:

--wherein the cropping criterion specifies that the cropped digital image is the composite digital image region that is largest in area of one of the sets:

a) the set of all composite digital image regions having said aspect ratio L:H that are centered at the centroid of the composite digital image; and

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b) the set of all composite digital image regions having said aspect ratio L:H that are centered at the centroid of the main subject of the composite digital image--.

Cancel claim 29.

Response to Amendment

2. The after final amendment was received on July 31, 2006. Claims 2-17, 19, 25-28 and 30-33 are pending.

Response to Arguments

3. Applicant's arguments, see amendment, filed 7/31/2006, with respect to 102(e) have been fully considered and are persuasive. The rejection of claims 2-17, 19, 25-28 and 30-33 has been withdrawn.

Allowable Subject Matter

4. Claims 2-17, 19, 25-28 and 30-33 are allowed. The claims will be renumbered as 1-25.

5. The following is an examiner's statement of reasons for allowance: ***

Regarding claim 3, as applicants properly point out on page 13, last two lines of the remarks, "There is no teaching or suggestion in Takaguchi, et al. relating to a centroid of the composite digital image."

Hence, and in view of applicants' arguments, amendment, and in combination with all of the other elements of the claim, claim 3 is allowable over the closest prior art of Takaguchi, et al. (US Patent No. 6,549,681). Claims 4, 5, 26, and 28 are allowable for the same reasons as claim 3. Thus, the respective dependent claims are allowable for depending on an allowable respective parent claim.

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6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario whose telephone number is (571) 272-7397. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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